

**BOROUGH OF WATCHUNG  
COUNCIL MINUTES**

**June 19, 2014 - 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:34 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

**SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD and OFFICER CHRISTOPHER HOFFMANN.**

**ROLL CALL**

Nehls [P] Black [P] Franklin [P] Joren [A] Gibbs [P] Beck-Clemens [P]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, CFO William Hance, Chief Joe Cina, Clerk Michelle DeRocco and Deputy Clerk MaryAnn Hance.

Although not present at roll call Councilwoman Joren arrived at 8:15 P.M.

There were 8 members of the public present.

**REPORT OF STANDING COMMITTEES**

1. Administration & Finance – Councilman Franklin reported the Committee met on June 9, 2014. He said there is now a direct deposit regulation and everyone must complete the information for the payroll department. Councilman Franklin said the Committee discussed the Weldon property and the status of the Tax Assessor's review. He said if re-zoned, the property has the potential of bringing in a total tax revenue of \$75,000 with the Borough's portion being about \$20,000. Councilman Franklin said the Committee also discussed the possibility of a sewerage utility and also a general discussion on debt management, but they did not discuss the Capital portion of the budget yet.

Councilman Franklin reported he went to a meeting held in Fanwood by the Sierra Club regarding the proposed pipeline that would run through Watchung and he said there were a total in attendance of 25 people. He said the Borough was well represented with approximately 10 residents. He said so far the Borough has received only two copies of letters sent to residents by the Pilgrim Pipeline organization, and these letters were requesting that they sign and provide an easement. Councilman Nehls said the Borough needs to let residents know they do not have to sign this form. Councilman Gibbs said the 11 properties could be multiple parcels and the residents should definitely be cautioned that they do not have to sign.

Councilman Franklin also mentioned the Wildlife Management Committee discussed the results from the recent survey. He said one question was on this survey regarding the use of cross-bows. Councilman Franklin reported only 55 deer were taken this year and there is a need for other means to hunt. He said the majority of surveys returned approved bow hunting and he explained that if bow hunting was allowed, only 150' is required for a site, and said this would open up more sites. Mayor Pote suggested dedicating the August meeting to further discuss the use of cross-bow hunting.

2. Police – Council President Nehls had no report but wished to express his condolences to Christopher Hoffmann's family and also to the members of the Police Department for their loss of a comrade. Mayor Pote also expressed his condolences and thanked the Borough family for their support at both the viewing and the services.
3. Public Works / Buildings and Grounds – Council President Nehls reported the Committee met last week and the rock wall is definitely the first priority, and request for proposals (RFP's) would be going out soon. Councilman Nehls also reported the department had 15 mulch deliveries, however, due to numerous complaints about the quality, Public Works will no longer make mulch deliveries. Council President Nehls reported potholes are filled on a regular basis, catch basins repaired, and old and faded traffic signs are being replaced. Council President Nehls said he and Bob Burns discussed the resurfacing of Anderson and Washington Rock Roads and Public Works will be moving forward on this. He also mentioned two sanitary sewer lines where there is some erosion and he said Mr. Herits will be looking into these. Council President Nehls then reported Public Works has been leasing a mini-

excavator and suggested the Borough consider purchasing it since the rental cost is expensive. He said it is in the Capital budget and asked Bob Burns to get more information to the Council. Council President Nehls reported a new AC unit was installed at Police Headquarters and new door locks were installed at both fire houses. After complaints of a dangerous tree were reported, Maser did an assessment at 188 Hillcrest Road and determined the tree must be removed as soon as possible, as it is dead and is a hazard. In response to an inquiry by Councilman Gibbs who questioned the possibility of relocating the Public Works Garage, Council President Nehls said it could not be moved easily and the cost to rebuild would be more than \$900,000. He also mentioned the salt storage building, and said the County is looking into the possibility of a satellite storage area as a shared service.

4. Public Affairs:

Open Space- Councilwoman Beck-Clemens reported she will be working with Freeholder Patricia Walsh to discuss finding ways to get monies to do some remediation work at Camp Endeavor and the Ness property. She said she has also spoken to the Laws and Ordinance Committee about looking into the remote possibility of changing a portion of Ness property could be given back to the Borough for possible use for other than Open Space.

Environmental – Councilman Gibbs reported the Queen of the Sun movie went well with about 35 people in attendance. He thanked Mayor Pote and Councilman Franklin for attending. Mayor Pote said it was a very interesting movie and residents can get the movie from the library. Councilman Gibbs also reported the tree appeal from the builder on Valley Road has been postponed. Mayor Pote asked if there is a timeline on this and Councilman Gibbs said there is an Environmental Commission meeting next week and this will be discussed. He said the builder must submit a revised tree plan.

Recreation – Councilwoman Beck-Clemens reported the Commission formed a sub-committee to study improvements to the Mobus Field playground equipment. Tom Herits said he is obtaining quotes to raise and pave the area to alleviate the flooding.

Historical – Councilwoman Beck-Clemens reported the next meeting is scheduled for July 9<sup>th</sup> and have ordered bunting and flags for History Day. She also said Scout projects are going well, and the history video should be completed shortly.

Board of Health- Councilman Black reported there was a meeting last evening and a resolution to codify the Board of Health Code was approved. He said the Commission discussed the possibility of mandating carbon monoxide detectors in commercial sites. The Commission would also like to see both the police and rescue squads carry NARCAN, a new antidote for drug overdoses that has already saved many lives throughout the State. Councilman Black mentioned the concerns with the grease trap Ordinance in regard to inspections. He said these are only inspected once a year, however if it becomes necessary to have more than one inspection, additional funds will be needed.

5. Fire - Councilman Black said the relocation of the air handler unit in the Fire House is the key to giving the Department the renovations that they are requesting on the second floor. He said the plans have been changed to rearrange the bathrooms to include showers and move some walls, and Mr. Herits waiting for the cost to move the air handlers. He said once he gets a final plan they will tape the floor to show where everything will be and then it will be ready to go. Councilman Black also said the Rescue Squad would like to be part of the “volunteer push” for new members. Councilwoman Beck-Clemens said Sue Tucker wants to put a book together of all volunteer organizations in the Borough and hand them out on History Day.

6. Laws/Ordinances- Councilwoman Joren had no report.

**REPORTS - OTHER:**

7. Engineer – Tom Herits reported he should have a quote on a price tomorrow for the removal of the tree at 188 Hillcrest Road. He said the Mountain Drive drainage project is 99% complete and everything is working fine and residents are happy with the results. He also reported that paving will be done after the 4<sup>th</sup> of July on Johnston Drive, Lakeview Terrace and Cedar Road. Mr. Herits reported on the status of the generators, saying they will be delivered shortly. The installation should take approximately six weeks and then two weeks to test and then cut over to the utilities. He said he has already coordinated with PSE&G and made application for the gas services, and now the contractor will coordinate the work. He said Unity Electric is the contractor, and former resident John Kostic will be working with them and he is very familiar

with all the Borough buildings and the electric in them. Councilman Gibbs stated he had concerns with salt storage as a shared service with the County, in particular the location of the storage, and if the Borough is bulk buying it with the County, how it would be separated from the other town's allocation, or if it was first come first serve. Councilman Gibbs suggested the Borough to be very cautious regarding the funding formula. Council President Nehls said he just found out about this today and there has been no discussion with the County or Warren or North Plainfield at this time so everything will be evaluated carefully.

8. Police Chief – Chief Cina thanked the Borough and their staff for all the support they gave the Department and the Hoffmann family. He said now they are trying to identify all the agencies, towns and departments throughout the State who assisted during this terrible ordeal so they may thank all properly in any way the Department can. Chief Cina then reported that cell phone fines and penalties will be going up on July 1<sup>st</sup> and these could include suspensions. He also reported they are trying to coordinate a date with the Court to iron out some of the logistics of our operations since North Plainfield staff will be taking over the administrative portion since Loretta Shpunder retired. Mr. Atkins said they are still waiting for the final input from the AOC and that he received a revised draft agreement today from Mr. Bernstein, North Plainfield's municipal attorney, who has been working with Mr. Cruz. Chief Cina said the Department is now in the process of addressing promotions, one Sergeant position with fourteen officers eligible and one Lieutenant position with six officers eligible. He announced the hiring process will begin as they now need another patrolman to replace the terrible loss of Chris Hoffmann. Chief Cina said he had attended a Nixel conference with the main agenda being to get other ideas for getting information out sooner and to get more people to sign up for the alerts.
9. Fire Department - Ryan Valentino gave the statistics for the month to date and also that the Department is glad that there is some progress on getting the building renovations started. He also thanked Bob Burns for installing the new security locks and the Police Department for keeping the firemen safe when they are on calls. Mr. Valentino also reported they have a new member, Samantha Schaller who has completed her service training. Mayor Pote asked about a prior discussion about a large sign "volunteers needed" and Councilman Black said he has already purchased it and it will be put on the antique truck but it has to be decided exactly where the truck should be placed. It was suggested that they should check with Michelle DeRocco on where the truck could be placed.
10. Rescue Squad – Denise Wilson reported the statistics for the month of May. Regarding the issue of the squad carrying NARCAN, she said that Watchung is not certified yet, however they will be soon.
11. Emergency Management –Administrator Tom Atkins reported that Coordinator Gary Greves has completed many of the Annexes and they have been sent to the County. He said the final few will be completed soon and sent to the County.
12. Attorney – Mr. Cruz had no report.
13. Clerk – Ms. DeRocco reported the Primary Election on June 3<sup>rd</sup> at the new poll location at Wilson Memorial Church went well and she said she received many positive comments and a few negative ones. She said all comments are taken seriously and there will be a meeting with Chief Cina, Mayor Pote and Administrator Tom Atkins to further discuss the parking and access to and from Wilson Memorial prior to the November election. Mayor Pote suggested looking into having the police at the site longer on Election Day. Ms. DeRocco also reported Consulting Engineer Lee Purcell informed her that the residents of Johnston Drive can be notified the sewer lines are ready for them to hook-up. She also mentioned the invitation from Mayor Michael Giordano to participate in the Fourth of July parade and Council members should let her know if they will be attending unless they have responded directly to North Plainfield.
14. Administrator – Mr. Atkins thanked Ryan Valentino for his report this evening. He said he and Chief Carlucci research options for new physicians to administer physicals for new members, and the scope of the examination. Mr. Atkins said the Administration and Finance Committee will be having a capital budget meeting on Monday and both he and CFO Bill Hance will attend. Mr. Atkins said a contractor had contacted him regarding traffic control in regard to the removal of the tree on Hillcrest. Mr. Cruz recommended moving forward with the

resolution for the tree removal because the next Council meeting is not until July 17<sup>th</sup> and it is better to have something in place if needed. He said prior to the meeting this evening he had a meeting with Mr. Herits and Mr. Bennett to see if the property owner would voluntarily comply but in the event they would not this resolution would be already approved. Mr. Cruz said Mr. Bennett will be meeting tomorrow morning with the homeowner.

Mayor Pote said attended the Senior's picnic last week and spoke to them about several things including preparedness in the town during emergencies and improvements that have been implemented, and also about the library and the various options being considered. He said he also spoke a little about the tax situation in the Borough and overall the Seniors seemed pleased with the way things have been going. Mayor Pote also thanked Council President Nehls, and Councilman Black for attending the Dare Graduation with him. He said Police Chief Cina and his staff were also there. Mayor Pote said it is an extremely important program and the students leave with very positive thoughts and positive training.

**PUBLIC PORTION / AGENDA ITEMS ONLY**

Melanie Novello, Hillcrest Road, asked if the pipeline is near Hillcrest Road and Councilman Franklin said it is not and explained it will be following the PSE&G high tension line more toward the east end of town. She then asked about the tree at 188 Hillcrest and if it is in the homeowners hands and if they don't take the tree down then the town will? Mr. Cruz said it is the Borough's view it is the homeowners responsibility but the Borough has been advised that the tree is a hazard. He said the Borough is going to request the homeowner take down the tree, however since it is a potential hazard the Borough is of the view that it should act if the homeowner does not and then lien the property for that cost. He said since the Council does not meet until July 17<sup>th</sup> it will be passing the resolution to act to have the hazardous tree removed if the homeowner does not and place a lien on the property. Ms. Novello also mentioned the Mah Jongg Club is held at the library and she urged the Mayor and Council not to close the library.

## UNFINISHED BUSINESS

## PUBLIC HEARING OF THE 2014 MUNICIPAL BUDGET

Councilwoman Beck-Clemens moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R1A:06/19/14 Determining Budget to be Read by Title

Councilman Franklin moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R1B:06/19/14 Resolution to Amend 2014 Budget

Councilman Franklin moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

Mr. Cruz questioned if this was the proper sequence to amend the budget and then adopt and Ms.DeRocco said the she spoke with the Borough's auditors, Suplee Cloney, said they said this is the correct procedure.

R1C:06/19/14 Adoption of 2014 Municipal Budget

Councilman Franklin moved a public hearing be held with a second by Councilman Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

The hearing was open to the public.

With no one from the public wishing to be heard Councilman Franklin moved the public portion be closed and 2014 Municipal Budget be adopted.

Councilman Gibbs said he is proud of the budget and said it is a very responsible one. He also asked all residents to look at all of the components of the budget that impact the Borough tax dollar including the County's portion, the local school, and the High School's budgets because 74% of the monies go outside the Municipal budget which the Governing Body has no control over. Mayor Pote thanked the Council and the Administrative Finance Committee for all the work they put into this and also Administrator Tom Atkins and CFO Bill Hance for all the creative ways to deal with the 2% cap and still maintain the many services to the community.

Councilman Black seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

Mr. Cruz said he has reviewed proposed Ordinance OR:14/11 and explained the master deed of the homeowner association's position has to be clarified to address the association fees for the affordable housing units in a more cohesive way. He said on June 2<sup>nd</sup> the Council on Affordable Housing (COAH) proposed new regulations one specifically addressing what the affordable housing units are to be charged for association fees. Mr. Cruz said there is a new formula for determining these fees and he is recommending the Council to table this ordinance until the Association further clarifies their documents and for COAH to take further action on the proposed regulations which is anticipated to occur on November 17, 2014. It was the consensus of the Governing Body to table Ordinance OR:14/1.

Ordinance **OR:14/11** entitled "AN ORDINANCE REPEALING AND REPLACING SECTION 28-1008, TITLED "PRICING AND RENTAL REQUIREMENTS" FOR AFFORDABLE HOUSING, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG AFFORDABLE HOUSING ASSOCIATION FEES."

Watchung Planning Board Letter 6/18/14 Recommending the adoption of OR:14/11, as consistent with the Master Plan.

R2:06/19/14 Adoption of OR:14/11 – Amend Code / Affordable Housing Association Fees **TABLED**

A public hearing on Ordinance **OR:14/12** entitled "AN ORDINANCE REPEALING AND REPLACING SECTION 28-1103, TITLED "DEVELOPMENT FEE SCHEDULE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG INCREASING THE AFFORDABLE HOUSING FEES CHARGED TO DEVELOPERS" was held.

Watchung Planning Board Letter 6/18/14 Recommending the adoption of OR:14/12, as consistent with the Master Plan.

R3:06/19/14 Adoption of OR:14/12 – Amend Code / Affordable Housing Developer Fees

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution:

R3:06/19/14 Adoption of OR:14/12 – Amend Code / Affordable Housing Developer Fees

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, "aye".

A public hearing on Ordinance **OR:14/13** entitled “AN ORDINANCE REPEALING AND REPLACING SECTIONS 24-2, TITLED “DEFINITIONS” AS TO THE DEFINITION OF “TREE REMOVAL/REPLACEMENT”, “TREE REPLACEMENT”; 24-6A AND B, TITLED “APPLICATION AND TREE REMOVAL/REPLACEMENT”; 24-6C, TITLED “DESIGN CRITERIA”, CHECKLIST A, PARAGRAPH 14, AND CHECKLIST B, PARAGRAPH 7; 24-8, TITLED “DESIGN CRITERIA” (PARAGRAPH J); 24-10, TITLED “TREE REPLACEMENT AND REFORESTATION”; AND 24-11, TITLED “FEES AND BOND”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG” was held.

Councilwoman Joren moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution:

R4:06/19/14 Adoption of OR:14/13 – Amend Code/Tree Replacement

Council President Nehls seconded the motion and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

=====

**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye”.

Approval of the following Council minutes:  
June 5, 2014

Acknowledging Receipt of the following Borough Reports:  
Open Space Advisory Committee Minutes – May 19, 2014  
Police Activity Report – May, 2014  
Recreation Minutes – May 7, 2014

Acknowledging Receipt of the following Correspondence:

- #21 - Pietro Martino 6/5/14 Letter of resignation as Assistant Fire Chief c: M & C, TEA, TC
- #22 - Borough of Bound Brook 6/9/14 Resolution opposing proposed legislation that would authorize County government to create a County Tax Assessment program c: M & C, TEA, EK

=====

**CONSENT AGENDA RESOLUTIONS:** Consent Agenda resolutions unanimously adopted following a motion by Council President Nehls and a second by Council Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

- R5:06/19/14 Requesting Permission from DLGS for Dedication By Rider Expenditure of Fees – Watchung Sidewalk Fund
- R6: Requesting Permission from DLGS for Dedication by Rider Expenditure of Fees – Ness Property Cleanup
- R7: Requesting Permission from DLGS for Dedication by Rider Expenditure of Donations and Fees – Law Enforcement Trust Fund
- R8: Authorize Direct Deposit Mandate for Municipal Compensation
- R9: Authorize Cancellation of Tax Appeal Reserve
- R10: Authorize the Return of Unused Bulky Waste Permit – B. Johansson, E. Koliver
- R11: Authorize the Return of Mulch Delivery Fee – R. Santora, N. Fortier
- R12: Authorize the Return of Escrow – as listed
- R13: Purchases Over \$2,000. – Watchung Senior Citizens
- R14: Appointment to Fire Department / Junior Member – Joseph Hammel

R15: Authorize Discharge of Lien – Curb Assessment/ 137 Orchard Road

Councilwoman Beck-Clemens congratulated the new Junior member of the Fire Department, Joseph Hammel.

=====

**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Proposed Ordinance OR:14/14 entitled: “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG CH. 5-12.76 ET SEQ., THEREOF, “PERSONNEL POLICY,” AND TO FIX AND DETERMINE MINIMUM AND MAXIMUM SALARIES AND COMPENSATION TO BE PAID TO CERTAIN EMPLOYEES.” Councilwoman Joren moved the ordinance be adopted on first reading and directed the Clerk to publish the ordinance and notice of Public Hearing.

Councilwoman Joren moved the following resolution with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.” Public Hearing to be held on July 17, 2014.

R16:06/19/14 Introduction of Ordinance OR:14/14 – Salary Min/Max

Councilman Franklin moved the following resolution with a second by Councilman Black and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R17: Payment of Bills

Council President Nehls moved the following resolution with a second by Councilman Gibbs and upon roll call the vote was as follows: Nehls, Black, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R18: Deeming a Tree Hazardous and Setting Procedure for Removal – 188 Hillcrest Road

=====

**PUBLIC PORTION - GENERAL DISCUSSION**

Doris Fine, Johnston Drive, thanked the Borough for the completion of the sewer project on Johnston Drive. She also questioned if there was anything the Borough or the residents could possibly do to prevent the pipeline from being put through the town. Councilman Black said the Borough could possibly pass a resolution stating they are not in favor of this. Mayor Pote said this is only in a “fact finding” mode and the Borough does not have much information at this time. Council President Nehls said he did go to a meeting at the County but it was very short with no real information given provided. Councilwoman Joren said she has checked with the DEP and was told Pilgrim has not applied for any permits at this time. Councilwoman Beck-Clemens said the Borough will keep the public informed of any new information.

Lynda Goldshein, Sherwood Drive, asked if the Borough passed an Ordinance approving cross bow hunting, if residents would be allowed to hire their own hunters, and that in the past when bow hunting was on the books homeowners were allowed to hunt on their own property. She feels there are not enough volunteers from Blue Ridge. Ms. Goldshein then asked Council President Nehls what the Borough used before they leased the mini-excavator and he said Public Works used the larger backhoe which did not work when it had to get into the smaller locations. She then questioned the Best Lake fountain and why it is not working again. Council President Nehls said there are issues with connections and Administrator Tom Atkins said Bob Burns has the contractor scheduled to come on Monday, but in the mean time, has his crew and an electrical contractor looking at it. Ms. Goldshein said these fountains have been a problem since they were installed and asked if the original contract has some liability to correct the situation. Mayor Pote said the Borough will research this.

=====

**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:50 PM to the Call of the Chair, and to the next scheduled meeting to be held on July 17, 2014 at 7:30 P.M.

Respectfully submitted,

*Mary Ann Hance*  
*Deputy Clerk*